

## **Remarks**

The above Amendments and these Remarks are in reply to the Final Office Action mailed July 18, 2007, and are being filed concurrently with a REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. §1.114.

### **I. Summary of Examiner's Rejections**

Prior to the Office Action mailed July 18, 2007, Claims 1-8, 11-18, 21-25, 28 and 29 were pending in the Application. In the Office Action, Claims 1-8 and 11-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohl et al. (U.S. Publication No. 2002/0091930, hereinafter Kohl) in view of Applicant's Admitted Prior Art, and further in view of Doty, Jr. (U.S. Publication No. 2006/795863, hereinafter Doty). Claims 21-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohl, Applicant's Admitted Prior Art, and Doty as applied to claims 1 and 11 above, and further in view of "Benefits of Web Site Copyright Registration" by Richard Keyt (hereinafter Keyt). Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohl, Doty and Applicant's Admitted Prior Art as applied to claims 1 and 11 above, and further in view of Headings et al. (U.S. Publication No. 2002/0144283, hereinafter Headings). Claims 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohl, Doty and Applicant's Admitted Prior Art as applied to claims 1 and 11 above, and further in view of Colvin et al. (U.S. Publication No. 2001/0034712, hereinafter Colvin).

### **II. Summary of Applicant's Amendment**

The present Response amends Claims 1 and 11, and adds new Claims 30-33, leaving for the Examiner's present consideration Claims 1-8, 11-18, 21-25 and 28-33. Reconsideration of the Application, as amended, is respectfully requested. Applicant respectfully reserves the right to prosecute any originally presented or canceled claims in a continuing or future application.

### **III. Claim Rejections under 35 U.S.C. § 103(a)**

In the Office Action mailed July 18, 2007, Claims 1-8 and 11-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohl et al. (U.S. Publication No. 2002/0091930, hereinafter Kohl) in view of Applicant's Admitted Prior Art, and further in view of Doty, Jr. (U.S. Publication No. 2006/795863, hereinafter Doty). Claims 21-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohl, Applicant's Admitted Prior Art, and Doty as applied to claims 1 and 11 above, and further in view of "Benefits of Web Site Copyright Registration" by

Richard Keyt (hereinafter Keyt). Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohl, Doty and Applicant's Admitted Prior Art as applied to claims 1 and 11 above, and further in view of Headings et al. (U.S. Publication No. 2002/0144283, hereinafter Headings). Claims 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohl, Doty and Applicant's Admitted Prior Art as applied to claims 1 and 11 above, and further in view of Colvin et al. (U.S. Publication No. 2001/0034712, hereinafter Colvin).

### **Claim 1**

Claim 1 has been amended to more clearly define the embodiment therein. As amended, Claim 1 defines:

1. *A method for managing content rich data residing on a removable memory apparatus that has been inserted into a handheld device, comprising:*  
*locking the content rich data residing on the removable memory apparatus such that said content rich data is not permitted to be erased by a user of said handheld device;*  
*establishing a connection between the removable memory apparatus and the handheld device;*  
*searching by a program residing on the memory apparatus for at least one content cookie having a counter that is programmed into memory residing within the handheld device upon having established said connection;*  
*installing at least one content cookie, having a counter, from the removable memory apparatus onto the handheld device if no content cookie was found when searching for the content cookie;*  
*searching within the handheld device for a content player enabled to present the content rich data;*  
*detecting the absence of a content player enabled to present the content rich data within the handheld device;*  
*installing a content player enabled to present the content rich data in response to detecting the absence of a content player enabled to present the content rich data existing on the handheld device;*  
*launching the content player enabled to present the content rich data;*  
*presenting the content rich data within the handheld device via the content player; and*  
*decrementing the counter of the content cookie wherein upon reaching a predetermined value by decrementing the counter of said content cookie, the content rich data is automatically removed from the handheld device.*

As amended, Claim 1 defines a method for managing content rich data on a removable memory apparatus. The content rich data is first locked in memory in order to prevent the user from erasing or manipulating it. A connection is then established between the memory

apparatus and a handheld device such as by inserting the memory card into the handheld device. Once the connection is established, searching is performed for a content cookie that has a counter. If the cookie is not found, it is installed onto the handheld device. Furthermore, searching is performed for a content player enabled to present the content rich data and if an absence of the player is detected, the content player is installed and launched. The content rich data is then presented on the handheld device, such as by displaying graphical and/or audio media and advertisements. Once the content rich data is presented, the counter on the handheld device is decremented. Once the counter reaches a predetermined value by such decrementing, the content rich data is automatically removed from the handheld device.

The advantages of the features in amended Claim 1 allow an organization to manage the display of advertisements and other media from memory cards. For example, a distributor of the memory card may wish to force the display of advertisements to a user a certain number of times. At the same time, however, users may be frustrated if these advertisements are displayed every single time the memory card is inserted. By forcing a locking of the content rich data on the memory apparatus and then automatically removing it from the handheld device, the user can be forced to view the advertisement a specified number of times, without having to do so for the entire lifetime of the device.

Kohl teaches a system and method to securely store information in a recoverable manner on an untrusted system. More specifically, Kohl appears to be concerned with preventing unauthorized copying of downloaded content, such as music files. In doing so, Kohl calculates an encryption key by using values unique to the system, as well as a counter that is stored in a secret location on the system. This counter appears to be secretly stored so that a user cannot perform save-restore operations in order to fraudulently obtain the downloaded music.

Doty teaches a system, device and method for combining streaming video with email. More specifically, Doty was cited as teaching detecting the absence of a player and installing the content player in response to the detecting (Doty, col. 7, lines 12-14). However, Applicant respectfully submits that Kohl in combination with Doty (hereinafter the cited references) do not disclose the features of Claim 1, as amended.

Initially, the cited references fail to disclose the feature of locking the content rich data residing on the removable memory apparatus such that said content rich data is not permitted to be erased by a user of said handheld device, as defined in amended Claim 1. This feature of Claim 1 can allow a distributor to force the user to view advertisements distributed with a memory card a certain number of times. Neither of the cited references are concerned with such

a feature. For example, because Kohl is concerned with downloaded music, there is no disclosure and it is of no use to prevent the user erasing content rich data. On the contrary, Kohl's main objective seems to be avoiding copying and unauthorized distribution, and not forcible storage, as defined in amended Claim 1. Similarly, Doty also fails to disclose this feature of Claim 1, as amended.

In addition, the cited references also fail to disclose the feature of decrementing the counter wherein upon reaching a predetermined value by decrementing the counter of the content cookie, the content rich data is automatically removed from the handheld device, as defined in amended Claim 1. This feature automatically removes the advertisements once they have been viewed a specified number of times so as not to continue displaying them, frustrating the user. In the Office Action, it was proposed that Kohl discloses a counter and using it to keep track of the allowable amount of plays and that it is inherent to decrement the counter (Office Action, page 2). However, Applicant respectfully submits that this is different from Claim 1, as it has been amended. For example, while Kohl may use a counter to keep track of the allowable number of plays, there is no disclosure of automatically removing the content from a handheld device once the counter reaches a predetermined value, as defined in amended Claim 1. On the contrary, Kohl appears to contemplate that the user will be forced to purchase the music once he has run out of "free plays" and it would therefore be against the very purpose of Kohl to automatically remove the content rich data. Accordingly, Kohl contemplates encrypting the data so that it can be accessed later, once the user has purchased it or made a call to a human operator (Kohl, par. [0044]).

Further, upon closer inspection, it will become apparent that the cited references also fail to disclose searching, by a program residing on the memory apparatus, for a content cookie having a counter that is programmed into memory residing within the handheld device and installing the content cookie onto the handheld device if one is not found, as defined in amended Claim 1. In the Office Action, it was proposed that this feature is disclosed in Kohl paragraph 36. Applicant respectfully disagrees. The cited portion of Kohl merely stores a counter in a secret location on the system. However, this is not the same as the defined feature of Claim 1. The features of Claim 1 contemplate that once a memory card is inserted into a handheld device (e.g. PDA), the program residing on the memory card is launched (e.g. "autorun.exe") and this program searches for a particular content cookie on the device and installs one if it is not found. No such functionality is disclosed by any of the cited references. At most, Kohl appears to disclose storing a counter in a secret location on the system. This is not the same functionality as that defined in Claim 1.

In view of the above comments, Applicant respectfully submits that Claim 1, as amended, is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

#### **Claim 11**

Claim 11, while independently patentable, recites limitations that, similarly to those described above with respect to Claim 1, are not taught, suggested nor otherwise rendered obvious by the cited references. Reconsideration thereof is respectfully requested.

#### **Claims 2-8, 12-18, 21-25 and 28-29**

Claims 2-8, 12-18, 21-25 and 28-29 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim, and further in view of the comments provided above. Applicant respectfully submits that Claims 2-8, 12-18, 21-25 and 28-29 are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicant respectfully reserves the right to argue these limitations should it become necessary in the future.

#### **IV. Additional Amendments**

The present Response hereby adds new dependent Claims 30-33. Applicant respectfully submits that new Claims 30-33 are fully supported by the Specification, as originally filed and that no new matter is being added. Applicant also submits that new Claims 30-33 are allowable over the prior art of record and reconsideration thereof is respectfully requested.

#### **V. Conclusion**

In view of the above amendments and remarks, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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